



***de maximis, inc.***

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July 2, 2015

Stephanie Vaughn  
17-mile LPRSA RI/FS Remedial Project Manager  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, NY 10007-1866

***Via Electronic Delivery***

**Re: Notice of Dispute Resolution - Benthic Community Exposure Depth -Lower Passaic River Study Area (LPRSA) Region 2's June 25, 2015 Letter — May 2007 Administrative Agreement and Order on Consent for Remedial Investigation/Feasibility Study – CERCLA Docket No. 02-2007-2009 (AOC)**

Dear Ms. Vaughn:

This letter responds to the USEPA Region 2's June 25, 2015 letter to the Cooperating Parties Group (CPG), which accepts the CPG's June 12, 2015 letter as having triggered dispute resolution of the Region's conclusion regarding benthic community exposure depth and requests that the CPG advise when it will be able to submit a more detailed written statement of its objections.

In order for the CPG to provide a date for delivery of its written statement, the CPG requests that the Region provide the "additional material" it reviewed in connection with the CPG's proposal to use 2 centimeters as the benthic community exposure depth in the LPRSA. Specifically, Region 2's June 1, 2015 letter states "EPA has reviewed the material presented by the CPG as well as additional material germane to their proposal". The CPG should have the opportunity to review and respond to any and all materials that the Region has relied upon to draw its conclusion(s) on this critical issue. Following receipt of this material, the CPG will promptly provide a date for delivery of its detailed statement.

The CPG also notes that we disagree with the implication in the Region's June 25 letter that the CPG is relying solely on the 2005 Sediment Profile Imaging (SPI) study prepared by contractors of Region 2 and its Partner Agencies to support the CPG's conclusions on exposure depth. As stated in the CPG's June 12 letter, the CPG has reviewed and considered all available site-specific data, as well as the larger ecological literature, to develop an appropriate exposure depth for the 17-mile LPRSA. The CPG's February 2015 presentation provided multiple lines of evidence that clearly support the use of an exposure depth less than 15 cm.

The CPG requests that Region 2 include this letter into the Administrative Record for the 17-mile LPRSA Operable Unit of the Diamond Alkali Superfund Site.

**S. Vaughn**  
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Please contact Bill Potter or me with any questions or comments.

Very truly yours,  
**de maximis, inc.**



Robert H. Law, Ph.D  
CPG Project Coordinator

**cc:** Ray Basso, EPA Region 2  
Walter Mugdan, EPA Region 2  
Sarah Flanagan, EPA Region 2  
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